

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
DATE: May 24, 2010 TIME: 7:00 PM  
CITY HALL COMMISSION CHAMBER

(Meeting taped)

The City Commission of the City of Wildwood met in regular session May 24, 2010 at 7:00 p.m. in the City Hall Commission Chamber.

Present were: Mayor Wolf; Commissioners Strickland, Clark, Bivins and Allen. Also present City Manager Smith, City Clerk Jacobs; City Attorney Blair; Chief Reeser, and AVT Law.

The meeting was called to order by Mayor Wolf, with Commissioner Allen giving the invocation and audience joining in the Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS:

NONE

2. REPORTS AND PUBLIC INPUT:

▪ SPECIAL PRESENTATION: NONE

a. City Manager

City Manager informed the Commission of a call from Charles Gautier, DCA, # 2 in command, stating that a follow up letter would be sent and stating the City of Wildwood will receive an award for innovative planning. (1 out of 5 in the State). The award will be presented at their annual conference on June 23. He will be attending as well as Jason McHugh and Melanie Peavy. Jason McHugh has been asked to speak as a part of the panel discussion. A copy of the letter will be sent out upon it arrival.

1. FYI- Parks & Recreation Department- First Quarter Report for 2010 (attachments) INFORMATION ONLY
2. FYI – Sumter county Fire Rescue report on average response times by stations (Attachment) INFORMATION ONLY
3. FYI – City of Coleman presentation on May 10th (Attachments) INFORMATION ONLY
4. Update on CR 470 PD&E Issues(Attachment)

The County hired DRMP last year to do this study, looking at the impacts and also what alignment situation is best. There are 6 options at this time to cure the jog between East and West. City Manager reported that from what he understands there is a lot of local business owners objecting to the alignment that was chosen, which is #6. SECO and Dixie Lime & Stone are two of the largest businesses objecting, stating that they were notified very late in the process.

The County has decided to postpone a final decision until a future meeting in late June. He will keep the Commission informed.

5. Budget Analysis Reports for April 2010. (Attachments) INFORMATION ONLY. City Manager stated Capital Enhancements would not be brought back before them until there is a continuous positive flow.

Commissioner Allen asked City Manager to ask Jason Hargrove to get notices to the area churches about the programs that are trying to be developed at the School Gym. City Manager stated for clarification that access right now is between the City and the School Board. In order for any of the Churches to have access because of being on School property, they would have to deal directly with the School Board due to issues with insurance and chain of custody regarding keys.

Commissioner Allen stated he only meant letting them know (making them aware) of the programs the City was sponsoring at the facility because the churches have the children, not for the churches to try and plan programs themselves. The churches should also be notified about Summer Camp. City Manager reported that Summer Camp attendance is very low right now.

b. City Attorney

1. Discussion/approval –insurance settlement conditions (NO Attachments)

Attorney Blair reported on a mediation meeting between the City's insurance company and Ms. Brannen and what she is addressing is part of the settlement terms. Attorney explained that this is a federal case that was filed a couple of years ago. She believes the insurance company made a decision based upon trial costs and other financial issues, but there are a few things they wanted in the settlement agreement that she felt the City Commission should approve before it is actually signed off on. That is, that we agreed that all the letters that she received would be placed in an envelope and marked invalid and not for future official use, but with the understanding that it is still a public record and anybody that wanted to look at it can. That we agreed to respond to inquiries from perspective employers with "Resigned, Not under investigation or compulsion" and list as eligible for rehire. Attorney Blair stated we would have to this anyway because that is the truth, she did resign and she is eligible under our rules for rehire. There will also be a letter from her to the City stating that she would not seek to be rehired. Both parties would be denying that they are wrong about what they are saying in the lawsuit. The settlement agreement would be placed in her personnel record.

Mayor Wolf asked why would the City need a letter from her stating she would not seek rehire. Attorney responded that it is just for the City's protection. Ms. Brannen is the one that offered to do this and she feels that it is an added benefit to the City.

Commissioner Allen asked if Attorney Blair agreed with the insurance Company. Attorney Blair responded yes and the Commission should be aware that the Insurance Company is paying all the money also. Attorney Blair also informed them that the insurance company is who ran the mediation meeting. Attorney Blair stated that the insurance company has the ability to make settlements without bringing it to the Commission because they are the one paying. The only reason this is before the commission is because of the extra thing we are being asked.

Attorney Blair informed the commission that Commissioner Strickland had stated that he didn't believe the commission was aware of this law suit all this time and he has asked that she provide an update every few months to let them know what is going on in the courts. She has to be careful what is put in a public record because when the lawsuit is over it becomes public.

Motion by Commissioner Strickland with a second by Commissioner Bivins to accept the recommendation of the insurance company and accept the settlement agreement proposed between the City of Wildwood and Cathy Brannen. Motion carried. Strickland, Bivins, Allen and Wolf-yea;(4-0) (Don Clark Declared a conflict due to him being a party to the original suit and did not vote.)

Commissioner Strickland voiced for the record that he is not happy having to make this determination on the short notification that he had and asked that either through the City Manager or the City Attorney that Commissioners be informed of on-going lawsuits that involve the City.

Commissioner Allen asked about whether an executive session that would not be a public hearing, could be held on this type matter in order to Find out in more detail what is going on. Attorney Blair responded yes, it can, but you would only be able to discuss very limited things and then that becomes a public record too after the case is over with. There are certain things in a lawsuit that are better left off the record. Attorney Blair again stated that the insurance company is paying everything. Mayor Wolf noted that if the City was involved in money discussions then something like an executive session would be appropriate.

c. City Clerk  
NONE

d. Commission Members

Commissioner Strickland asked Chief Reeser about the community meeting scheduled for Wednesday as to if he had sent out invitations to any specific Commissioner or not. He couldn't remember whether they had agreed to attend on a rotating basis or not, but he would like to attend. Chief Reeser just reminded him that it had been mentioned that if two or more Commissioner's showed up at the same meeting they could not talk about certain issues and he has been sending out a blanket invitation to all Commissioners.

Mayor Wolf stressed for the public works and/or police department, whichever is responsible for working to get the street lights back on that we get the pole numbers

and whatever information is needed to Progress Energy to make sure as many lights are lit as possible. Chief Reeser reported that this has been done. The whole city has been gone over in reference to streetlights and there is area that has been put on the WEB site for the citizens to report outages to the City.

Commissioner Strickland referenced the memo from Attorney Blair in regards to CR. He states he interprets the memo to say that the City could have a say in the naming of the road because the statutes don't specifically say we don't have a say. Attorney Blair commented in other cities, the City has named roads inside of their jurisdiction different from the County and/or State. Our jurisdiction for this road would be where the City owns both sides of the road.

Commissioner Strickland asked if there was any thing in the JPA that would reference this concern. Attorney Blair stated that the JPA addresses maintenance and police jurisdiction and those are defined by where if there is a segment where 50% or more of the road frontage has been annexed, the whole segment goes in. She does not think that definition can be used for this instance.

Commissioner Strickland clarified in reference to his concern about the JPA that there was nothing in it that would give the County a reason to back out of the maintenance of the road if indeed the City decided to adhere to the memo and name CR 139 as the City so desires. Attorney Blair responded that either party can back out of the JPA agreement if they wish to do so. City Manager Smith indicated that there is nothing in the agreement that states anything about naming of roadways. That roadway is considered a significant regional corridor, which means that we would never be required to be maintaining it. City Manager Smith states that the only portion that is annexed in on both sides is the portion that we donated for the CR 139 widening. Mayor Wolf commented that would be from the vicinity of Broken Oak and the part of Pinellas Plaza all the way down in front of the Community Center.

Mayor Wolf commented that he has seen two roadway names posted for the same road in other cities.

Mayor Wolf and Commissioner Strickland referenced an upcoming joint meeting with the County in reference to the JPA, as being the opportune time to let the County know the Cities feelings about recent events and lack of communication and also bring the Attorney Blair's letter to the meeting.

Mayor Wolf commented that the memo from Attorney Blair in reference to CR 139 should be corrected to reflect the Commission's position. Mayor Wolf stated he does not feel that the Cities position was ever that CR 139 be named Powell Road/CR/139, but Pony Farm Road/CR139. Attorney Blair stated she will correct the memo and send it back out if it is to be presented to the County.

e. Public Forum (10 minute time limit)

Mrs. Gloria Rankin, Mrs. Shanda Barnes and Mrs. Lori Ranking appeared before the Commission expressing excitement about the progress being seen in Wildwood

and expressed the desire to be a part of that progress by presenting an idea before the Commission for consideration and support. That idea is to start what is called "Girl's Night out" in Wildwood. This concept has been very successful in other cities and the merchants that she has spoken with are positive to the concept. Our city is a little different in that all of our merchants are not situated on a city square and are more spread out. They would like to know (#1), if the City would go along with something like that idea which the merchants that are apart of it would stay open late one night a month, with their own specials or whatever they want to do for that night, and (#2), what would it entail to use the County's subsidized transportation bus to just make sweeps through the City that particular night in all directions, making frequent stops. The idea is that the citizens could park their cars with the understanding that every so many minutes the bus would be by to transport them over the city. They are asking Wildwood because they know Wildwood pays taxes. (#3) They would also like to start a very selective group of vendors that would be able to set up in the City Hall park area in front of City Hall, with of course, very close monitoring. They believe the concept could grow into something good for Wildwood.

City Manager informed the Commission and the Group that he will be glad to sit down with them and work out the logistics of what exactly "Girl's Night Out" is and see if The City can be of assistance by providing the area, making sure that it would be cost neutral, and also help the group coordinate with County Transit because the City has no control over that operation. City Manager Smith recommended that the Commission allow him to sit down with the group and gather all the facts for the Commission before they make a decision, wherein he would look at police involvement, Chamber of Commerce involvement, traffic patterns and the like. Mrs. Rankin stated this is just what she wanted.

Mr. Robert Hannah appeared before the Commission. Mr. Hannah expressed words of thanks to the Commission for enabling some type of recreation over the summer for the kids.

Mr. Hannah reported that in his Church congregation, fliers had been passed out asking for volunteers to work with the City to make sure that the upkeep of the School gym is done and to help provide the safety of all the kids and just by making sure everything runs smoothly. They have an interest in helping the kids to excel as best they can. Mr. Hannah reports that Pastor Tony Jones has assured him that he has dedicated volunteers ready to take a part also.

Mayor Wolf cautioned Mr. Hannah to make sure anything that he does is approved by the City Manager and goes through Jason Hargrove, the Director.

Work Force Shuttle- Mr. Hannah expressed concern to the Commission that when this was implemented it was for all citizens and not just one ethnic group. He hasn't seen very many people from the East side of town at the Work Shuttle van and he is gravely concerned. Fliers are in the process of being prepared now pertaining the availability of the Work Force Van to be distributed on the East side, and he wants to know what the legalities, (such as any fees, fines, or permits) are if there are any to be able to do so. Mayor Wolf again informed Mr. Hannah that he needs to coordinate what he is proposing through the City Manager and/or Jason Hargrove.

City Manager Smith responded that he would have the Work Force Shuttle information posted on the City's WEB site as Well and also on the front and back doors of City Hall, and that since Mr. Hannah is not selling anything he doesn't think there is anything about solicitation and just handing the fliers out. City Manager Smith asked Mr. Hannah to come and meet with him on the matter. Mr. Hannah reported that the Shuttle is available on the 4<sup>th</sup> Tuesday of every month.

Mr. Hannah informed the Commission that he visited out at MLK Park on yesterday and presented the Commission a bag with glass that he picked up in the infield.

He reports that there is glass, literally, all over the field. He expressed the concern that something needs to be done about the amount of glass that is in the entire park area to make it a much safer environment. City Manager Smith stated he will have the prison work crew go over the area and pick up as much glass as they can see. Some times after a rain, the glass washes up, and he will make sure that Jason has someone checking out the glass concern on a weekly basis.

Commissioner Allen stated the area used to be an old dump and that glass will be popping up all the time. There is a need for some type regular schedule concerning the glass situation. City Manager reported that about a foot of ground was removed and replaced with good dirt, then grassed over the infield and outfield areas. The problem may be stemming from the outskirts of the outfield.

Mr. Hannah asked the City Manager if he had received the applications for volunteers to the Recreation Committee. City Manager reports yes. He had been waiting to get enough volunteers for all boards before coming back to the Commission, but Parks and Recreation at this time is the only Board that he has enough volunteers and he will bring it back for authorization.

Mayor Wolf asked about the depth of clay, expressing additional concern about clay coming to the surface.

- f. Notes, Reports, and items for the file as attached

3. NEW BUSINESS – ACTION REQUIRED:

a. MINUTES:

- 1. Minutes of Regular Meeting held on May 10, 2010 (Attachments – Staff recommends approval)

Motion by Commissioner Allen, second by Commissioner Strickland that the minutes of May 10, 2010 are accepted as presented. Motion carried. All voting Yea.

b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE):

1. Ordinance NO. O2010-10, an ordinance clarifying issues when a developer uses more ERC's than initially requested.(Attachments- Staff recommends approval.)

Ordinance O2010-10 read by Mayor Wolf, by Title only on First Reading only-  
NO Action Taken

c. RESOLUTIONS FOR APPROVAL:

1. Resolution NO. R2010-16, is a resolution providing for the increases to the water and wastewater user charge ordinance and facility availability base rates. (attachment- staff recommends approval)

Attorney Blair passed out a revised version of Resolution NO. R2010-16 indicating the only changes are to clarify in sections 4,5 and 6 the inside and outside City rates a little better and making the 25% outside surcharge a little more clearer.

Motion by Commissioner Allen, second by Commissioner Strickland to adopt Resolution NO. R2010-16, A resolution of the City of Wildwood, Florida, providing for increases to the Water and Wastewater user charge Ordinance and facility availability base rates; providing for an effective date. Motion carried. All voting yea.

City Manager Smith informed the Commission, press, and audience that the increase would be effective as of October 1, 2010 and that notice will be sent to every utility customer Mayor Wolf noted that our increase is based on the CPI and the increase will be 2.1%

2. Resolution NO. R2010-17, a resolution requesting the commitment of funds to match a WRWSA grant (when/if approved) (attachments-Staff recommends approval.)

Motion by Commissioner Allen, second by Commissioner Strickland to adopt Resolution no. R2010-17, a resolution of the City of Wildwood proposing the commitment of City Funds to coincide with the anticipated Water Supply Grant funding by the Withlacoochee Regional Water Supply Authority (WRWSA) for the construction of two lower aquifer wells at Champagne Farms, replacing the State Road 44 West well site, be adopted. Motion carried. All voting yea.

WD Ronald Allen informed the Commission that WRWSA has a limit of \$50,000 for funding and requires the passage of this resolution. We are already funding over the amount required so we will actually be recouping some of the expenses incurred. City Manager states we had already planned on spending the match amount anyway.

The visibility of the wells from I-75 was mentioned. WD Ronald Allen responded yes they will be very visible to everybody.

Commissioner Allen informed the Commission of the Concern that WRPC has regarding the differences in the regulations governing Cities and those affecting the varying Water suppliers in the different Water Districts. Cities seemed to be limited but Water Supply authorities seem to be able to do what they please. And that the Water models are completely different. Another concern is Progress Energy and the amount of water they will be pulling from the aquifer.

d. APPOINTMENTS:

1. None

e. CONTRACTS AND AGREEMENTS:

1. State Highway Lighting Maintenance & Compensation Agreement (Attachments- staff recommends approval)

Motion by Commissioner Bivins, second by Commissioner Strickland to approve execution of the State Highway Lighting Maintenance & Compliance Agreement Work Order (FY 10/11). Motion carried. All voting yea.

f. FINANCIAL:

1. Bills for Approval (Attachment – Staff Recommends Approval)

Motion by Commissioner Allen, second by Commissioner Bivins to pay the bills. Motion carried. All voting yea.

g. GENERAL ITEMS FOR CONSIDERATION:

1. Request to schedule a special workshop meeting for the purpose of discussing the consolidation of Building Services (Attachments include calendar for June-Board Option)

City Manager Smith recommended June 7 as the date for the meeting.

Motion by Commissioner Allen, second by Commissioner Bivins that a Special meeting is set for June 7, 2010, at 5:30 P.M. for the purpose of discussing the consolidation of Building Services to the County. Motion carried. All voting yea.

CM Smith reported that he has changed his vacation to be able to attend the awards ceremony at DCA. He will begin his vacation on June 29 after the budget session.

2. Request for Refuse proposition workshop (can be combined with the Building Services discussion workshop)(Attachments – Board Option)



By common consent of the Commission Refuse proposition workshop is set for the June 7 special Meeting also.

3. Request for City Manager to draft letter to SCBOCC regarding enhanced Landscaping on Powell Road (Attachment- staff recommends approval.)

By Common consent of the Commission, City Manager Smith is authorized to write a letter to the Sumter County Board of County Commissioners regarding the City's desire to see enhanced landscaping on Powell Road.

City Manager reported that we have come up with a way to provide reuse water at a really low cost and this may open up the door for discussions for them to provide Florida friendly landscaping to match somewhat 466A or 466 because it is an entrance feature to the City, the Sumter County Extension Office and to the Villages.

4. Establish policy regarding exclusive rental of community facilities.(attachment)

City Manager Smith stated he brought this to the Commission due to the fact that BW City Ministries is requesting to continue their services at the MLK Community Outreach Center and with lease agreements he needs to be consistent with all parties. With the Senior Service Center and with the Huey Street Library building, the occupants pay for all utilities. Currently BW City Ministries do not pay for any utilities and he would like direction as far as consistency and policy to either require all to pay their own utilities when leasing City buildings exclusively (meaning that no one else uses the building) or the City pay utilities for parties.

Commissioner Allen asked if the building is being used for the benefit of the citizens should not the City take care of the utilities or if the building is being used as a benefit to any specific organization that is different. City Manager pointed out that the other facilities are also providing a community service to our citizens, but they are paying for their own utilities.

Mayor Wolf noted that we have to be careful about having exclusive use of any of our buildings because the taxpayers may have a problem with who is benefiting.

Commissioner Strickland commented that he would not support for the City to pay utilities whenever there is an exclusive use of the building.

City Manager Smith recommended that the Commission make a decision to be consistent and require that for all exclusive leases of City owned facilities pay their own utilities and the City maintain the structure.

Motion by Commissioner Strickland, second by Commissioner Bivins to make it uniform that in any exclusive lease of a City Building, the occupants will have to pay their own utilities. Motion carried. All voting yea.

5. Special Event request for use of Millennium Park (attachments-staff recommends approval)

Attachments were referenced of the event. The group is asking for reservation of the millennium Park grounds.

Motion by Commissioner Clark, second by Commissioner Strickland that use of the Millennium Park grounds by Tri-County Tea Party Florida, for a Happy Birthday USA event, is approved for July 3, 2010, from 11:00 A.M. until 4:00 P.M. Motion carried. All voting yea.

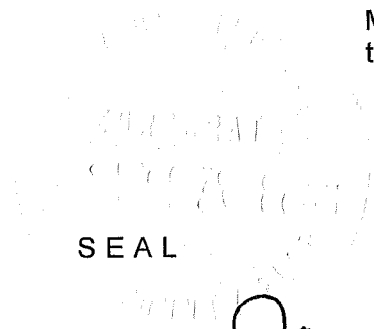
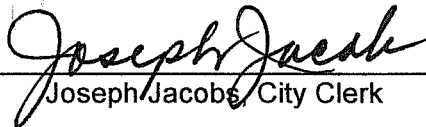
4. ADJOURN:

Motion by Commissioner Allen, second by Commissioner Strickland that the meeting adjourn. Motion carried. All voting yea.

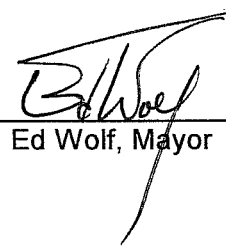
CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:

  
  
Joseph Jacobs, City Clerk

BY:

  
Ed Wolf, Mayor